

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 8, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 8, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; David Dennis; Bill Johnson; Don Klausmeyer; John McKay Jr.; M.S. Mitchell; Debra Miller Stevens and Chuck Warren. David Foster; Joe Johnson; Bill Ramsey; Don Sherman and George Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the prior MAPC meeting minutes.

MOTION: To approve the December 18, 2014 meeting minutes.

DENNIS moved, **MCKAY** seconded the motion, and it carried (7-0-2). **MITCHELL** and **NEUGENT** – Abstained.

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00039: Final Plat – JBAR ADDITION**, located south of 13th Street North, east of Hoover.

NOTE: This is a replat of a portion of the R.A. Morris Tracts Addition. The site has been approved for a zone change (ZON2014-00018) from SF-5 Single-family Residential to TF-3 Two-family Residential along with a Protective Overlay (PO #290) addressing setbacks and density.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) and extend sanitary sewer (laterals).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. As requested, the applicant has platted a contingent dedication of the east 30 feet of the plat for Doris street right-of-way within Reserve B.
- D. City Stormwater Management has approved the drainage plan. A guarantee is needed for drainage improvements.
- E. The Applicant shall guarantee the paving of the internal street (Curtis Court). Paving of Curtis Street north to Hoover is recommended.

- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The Note regarding the Protective Overlay should be corrected to reference "Protective Overlay #290". A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. GIS has approved the street name.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery

without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Heide Bryan is the Westar Energy contact for this plat and she can be reached at 261-6554 with any questions.
- U. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

NEUGENT moved, **B. JOHNSON** seconded the motion, and it carried (9-0).

2-2. SUB2014-00040: One-Step Final Plat – SOLIS ADDITION, located North of 29th Street North, East of Hood.

NOTE: This is an unplatted site located within the City of Wichita.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve Lots 1, 2 and 3. A 20-foot utility easement is needed for the existing sanitary sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

- C. City Stormwater Management has approved the applicant's drainage plan. A drainage easement/reserve was required in the rear of the lots.
- D. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- E. The Applicant is reminded that an updated platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulation for each lot. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. The applicant shall send a report to County Surveying regarding the boundary and distances shown. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- H. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge

Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

M. Perimeter closure computations shall be submitted with the final plat tracing.

N. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

O. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

NEUGENT moved, **B. JOHNSON** seconded the motion, and it carried (9-0).

2-3. SUB2014-00042: One-Step Final Plat – J.R. SANDLIAN ADDITION, located north of 29th Street North, on the west side of Hoover Road.

NOTE: The unplatted site has been approved for a zone change (ZON2014-00003) from SF-5 Single-family Residential and LC Limited Commercial to LI Limited Industrial. A conditional use (CON2014-00011) has been approved for a wrecking and salvage yard.

STAFF COMMENTS:

- A. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. City of Wichita Public Works and Utilities Department advises that sanitary sewer is not available. The applicant needs to extend water (transmission and distribution) to serve the site. A No Protest Agreement for future sewer extension is requested.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering/County Public Works has approved the access controls. The plat proposes one opening along Hoover Road.

- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. County Surveying advises the reference to the southwest corner of the southeast quarter of the southeast quarter of Section 34 needs removed. That point should be labeled as being 1145 feet west of the southeast corner of the southeast quarter of said Section 34.
- H. County Surveying advises the reference to the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 34 needs removed, that point should be labeled as being 1145 feet west of the east line and on the north line of the southeast quarter of the southeast quarter of said Section 34.
- I. County Surveying would like to be contacted regarding the survey data shown along the east section line.
- J. County Surveying would like to be contacted regarding access along the north line to Hoover. Right-of-access may exist if the plattor would like to have access for ingress-egress.
- K. County Surveying advises power poles need to be located, north and south, along the Kansas Gas and Electric easement line recorded in Misc. Book 282, Page 262, recorded in 1951.
- L. County Surveying recommends all Kansas Gas and Electric easements that were recorded by separate instrument, Misc. Book 282, Page 262 and Misc. Book 574, Page 239 be vacated and replatted by virtue of K.S.A. 12-512b, as amended. The new easements should follow the lines as installed, dimensioned and located on the final plat.
- M. County Surveying advises the Surveyor's Certificate should include: Existing public easements, dedications and easements granted to Kansas Gas and Electric recorded in Misc. Book 282, Page 262 and Misc. Book 574, Page 239 are hereby vacated and replatted by virtue of K.S.A. 12-512b, as amended.
- N. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.

- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Westar Energy advises they currently have service on these lots. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northwest area and can be contacted at (316) 261-6734.
- W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

NEUGENT moved, **B. JOHNSON** seconded the motion, and it carried (9-0).

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- 2-4. SUB2014-00043: One-Step Final Plat – LANGE 3RD ADDITION**, located on the east side of West Street, South of MacArthur Road.

NOTE: A portion of this site is located in the County adjoining Wichita's boundaries and annexation is required. This is a replat of Meek 1st Addition and Lange 2nd Addition. The site has been approved for a zone change (PUD2014-00002, PUD #43) from SF-20 Single-Family Residential and LI Limited Industrial to PUD Planned Unit Development.

STAFF COMMENTS:

- A. As a portion of this site is adjacent to Wichita's municipal boundaries, the Applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that water and sewer is available from West Street to serve Buildings A, B and D. The applicant needs to extend water (distribution) and sewer (laterals) to provide water and fire protection to Buildings C, F and E. The main benefit sewer in-lieu-of-assessment fees are due. The transmission water in-lieu-of-assessment fees are due.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering has approved the access controls. The plat proposes three access openings along West Street in conformance with the PUD site plan.
- F. The term "Miscellaneous Storage" included in Reserve A should be replaced with "Outdoor Storage". Provisions shall be made for ownership and maintenance of the proposed reserve. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The applicant is advised of additional setbacks along the north, south and east property lines established by the PUD.
- I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- J. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed

information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

- K. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- L. County Surveying and MAPD request review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.

T. Westar Energy advises they currently have service on these lots. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Lee Sailsbury is the Construction Services Representative for the southwest and can be contacted at (316) 261-6859

U. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

NEUGENT moved, **B. JOHNSON** seconded the motion, and it carried (9-0).

3. PUBLIC HEARING – VACATION ITEMS

3-1. VAC2014-00048: County request to vacate a portion of platted access control on properties, generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street.

APPLICANT/AGENT: Lee Builder's, c/o Steve Lee (owner) Ruggles and Bohm, c/o Will Clevenger (agent)

LEGAL DESCRIPTION: Generally described as vacating the south 75 feet of the platted 150 feet of access control located on the north 150 feet of Lot 1, Block 1, & Lot 1, Block 2, all in the Stone Post Farm Addition's Stone Post Street frontage, Sedgwick County, Kansas.

LOCATION: Generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street (BoCC #1)

REASON FOR REQUEST: Greater flexibility in the placement of the residences and the drives on the undeveloped lots

CURRENT ZONING: The site and all abutting adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate the south 75 feet of the platted 150 feet of access control located on the north 150 feet of the undeveloped Lot 1, Block 1, & Lot 1, Block 2, all in the Stone Post Farm Addition's Stone Post Street frontage. Lot 1, Block 1, is platted with 235 feet of frontage on Stone Post Street. Lot 1, Block 2, is platted with 250 feet of frontage on Stone Post Street. Stone Post Street is a local sand and gravel residential street. The two subject corner lots are located directly across from each other. Neither lot has access onto 53rd Street North, a sand and gravel Payne Township road. The proposed vacation would allow the drives to be located within 75 feet of the 53rd Street North – Stone Post Street intersection. The site is located in Butler County Rural Water District #5. The Stone Post Farm Addition was recorded with the Register of Deeds March 10, 2004.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 18, 2014, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of the platted access control and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate that portion platted access control along the sites' Stone Post frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto Stone Post Street.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion platted access control along the sites' Stone Post frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto Stone Post Street.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

B. JOHNSON moved, **MITCHELL** seconded the motion, and it carried (9-0).

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- 3-2. **VAC2014-00049: City request to vacate a platted sanitary sewer easement on property,** generally located between 2nd Street and St Louis Avenue on the east side of West Street (410 N. West Street)

OWNER/AGENT: Harris 3 LLC (owner) Bruce Harris c/o A-OK Enterprises LLC (applicant) Baughman Co. PA, c/o Phil Meyer (agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 55-foot (x) 20-foot wide sanitary sewer easement located in the northeast corner of Lot 1, George's West Addition, Sedgwick County, Kansas.

LOCATION: Generally located between 2nd Street and St Louis Avenue on the east side of West Street (410 N. West Street - WCC #VI)

REASON FOR REQUEST: Additional room to build

CURRENT ZONING: The site and the abutting and adjacent southern, northern and western properties are zoned LC Limited Commercial. Abutting western properties are zoned LC and SF-5 Single-Family Residential.

The applicants propose to vacate the platted 55-foot (x) 20-foot wide sanitary sewer easement located in the northeast corner of Lot 1, George's West Addition. There is a sewer line and manholes located in

the subject easement. Marsha Jesse is the Westar Construction Services Representative for the northwest area and can be contacted at (316) 261-6734. The George's West Addition was recorded with the Register of Deeds August May 16, 1994.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted sanitary sewer easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 18, 2014, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portions of the platted sanitary sewer easement and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line and sewer manhole made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS plan number for the abandonment /relocation of public sewer line and sewer manholes. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line and sewer manhole made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS plan number for the abandonment /relocation of public sewer line and sewer manholes. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

B. JOHNSON moved, **MITCHELL** seconded the motion, and it carried (9-0).

PUBLIC HEARINGS

4. **Case No.: ZON2014 00031** - Stratford Apts. East & West, LLC (Robert G. Hanson) / Baughman Company, P.A. (Russ Ewy) request a City zone change from B Multi-family Residential to LC Limited Commercial with a Protective Overlay on property described as:

Lot 1, Rockwood Reserve A Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking to rezone the northwest corner of North Rock Road and East Douglas Avenue (7802 East Douglas Avenue) from the B Multi-Family Residential (B) district to the Limited Commercial (LC) district. The site contains 3.74 acres that were developed with a 104-unit apartment complex built sometime shortly after 1968. If the request is approved the applicant intends to redevelop the site to permit a wider range of uses than just residential uses. (See item A below for the proposed list of allowed uses.) The site has three access points; two on East Douglas Avenue and one on North Rock Road. On Douglas Avenue platted access control allows two driveways to be located 150 feet west of Rock Road. On Rock Road platted access control allows two driveways to be located 150 feet north of Douglas Avenue. A six-foot tall wood fence is located along the southwest, west and north property line. A masonry fence is located along the east property line that abuts Rock Road, and along a 10 to 15-foot segment of East Douglas Avenue located just west of Rock Road. The property is platted as Rockwood Reserve 'A' Addition. A platted eight-foot wide utility easement is located along the southwest, west and north property boundary. A 30-foot wide Continental Pipeline easement is located along Rock Road.

The applicant is offering the following development standards (Unified Zoning Code (UZC) comparisons and staff recommendations and comments are provided in italics, underlined or struck-through):

- A. Uses permitted shall be limited to the following “LC” Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, convenience store, general office, personal care service, personal improvement service, restaurant and general retail provided the restaurant does not exceed 8,000 square feet in size. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material. *The LC district permits by right 56 retail, commercial, office and residential uses. Drive-thru restaurant and convenience store should be prohibited given the small size of the site, and the close proximity of single-family and two-family uses. Drive-thru restaurants and convenience stores have the capacity to generate increased levels of noise due to order boards and gas pump speakers and significant amounts of debris and litter.*
- B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay. *The requirements of the Landscape Ordinance are triggered when redevelopment costs exceed 50 percent of the site’s appraised value or when new parking spaces are installed. The requirements of the Landscape Ordinance are divided between three areas. A minimum amount of landscaping (landscaped street yard) is required to be installed in front of the front façade of the buildings. A landscape buffer of one tree per 40 feet is required where nonresidential uses abut residential uses. Parking spaces located within 150 feet of a street are required to be screened with plants that will ultimately be three feet tall.*
- C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials. *Required by the Landscape Ordinance.*
- D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. *The proposed masonry wall exceeds the screening typically required by just a zone change. The proposed screening wall will have to be located outside of the utility easement located along the north, west and southwest property lines.* Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.
- E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties. *The UZC requires light poles located within 200 feet of residential uses to be not taller than 15 feet, including base, and requires light fixtures to keep light from trespassing onto abutting property.*
- F. Building setbacks shall be a minimum of 15 feet along the north, 50 feet along the west and southwest property lines, and 35 feet along the arterial frontages. *Basic building setbacks in the LC district are: front (south property line)-20 feet; rear (north property line)-10 feet; interior side (west property line)-zero or five feet; street side (east property line)-10 feet; however, compatibility setbacks for a site as*

large as the subject tract, which overrides base zoning district minimums, require 25-foot building setbacks along interior side (west) and rear (north) yards adjacent to single-family or two-family zoning. The applicant's proposed 15-foot setback along the north property line should be 25 feet.

G. Maximum building height is limited to 35 feet. *The LC district permits building heights up to 80 feet by right and taller buildings with greater than minimum building setbacks. Without the proposed height limitation, UZC compatibility height standards would allow buildings located over 50 feet from the north and west property line to increase in height above 35 feet at the ratio of one foot in height for each additional three feet of setback over 50 feet.*

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade. *Complies with UZC requirements.*

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the "LC" zoning district. *The LC district allows signs to be up to 25 feet in height, and up to 35 feet if the maximum number of signs allowed are not installed. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.*

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards. No order boards are permitted in setbacks. *Staff recommends no drive-thru restaurants be allowed, which would eliminate the need for order boards.*

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits. The site plan shall ensure internal circulation within the parcel(s). In the event there is a full turning movement drive to Rock Road, the applicant shall provide a guarantee for the construction of a raised median within Rock Road. *The traffic engineer will support a full movement driveway in the northern segment of the Rock Road frontage and right-in/right-out drive with a raised median in the southern segment of the Rock Road frontage.*

Properties located to the north and west of the application area are overwhelmingly zoned Single-Family Residential (SF-5) and developed with single-family residences. There is one ownership abutting the north property line of the application area that is zoned Two-Family Residential (TF-3) and developed with a duplex. Properties located east, across Rock Road, are zoned B and LC, and are developed with an apartment complex and retail and office uses. Land located south of the subject site, across Douglas Avenue, is zoned LC subject to the development standards contained in Community Unit Plan DP-12, and is developed with Towne East Mall, a regional shopping center.

If 30 percent of the site were developed with 48,874 square feet of retail sales the site could generate an estimated average daily traffic volume of 2,052 trips. During peak hours, a convenience store can generate 79 to 97 average daily vehicle trips per 1,000 square feet. Using the previously noted traffic generation rates, a 5,800 square-foot convenience store could generate 458 to 562 average daily vehicle trips during the peak hour.

CASE HISTORY: Rockwood Reserve 'A' Addition was platted in 1967.

ADJACENT ZONING AND LAND USE:

North: SF-5, TF-3; single-family residences
South: LC subject to CUP DP-12; regional shopping center
East: B, LC; multi-family residential complex, retail and convenience shopping
West: SF-5; single-family residential

PUBLIC SERVICES: East Douglas Avenue is a four-lane arterial with east-bound left-turn and right-turn lanes at the intersection with Rock Road. East-bound East Douglas Avenue carries an average of 11,893 vehicles on a daily basis. West-bound East Douglas Avenue carries over 11,000 average daily vehicle trips. North Rock Road at its intersection with East Douglas Avenue is a six-lane arterial with right-turn and left-turn lanes. North Rock Road at East Douglas Avenue carries between 18,560 and 28,542 average daily vehicle trips.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a larger urban municipality. The range of housing types includes single detached homes, semi-detached, duplexes, apartments, condominiums and special residential accommodations for the elderly. The comprehensive plan’s commercial locational guidelines indicate that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Commercial uses should be located in compact clusters or nodes versus extended strip developments, and should not feed directly onto local residential streets.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that LC zoning be approved, subject to the development standards contained in Protective Overlay #294:

- A. Uses permitted shall be limited to the following “LC” Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, general office, personal care service, personal improvement service, sit-down restaurant and general retail provided the restaurant does not exceed 8,000 square feet in size. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, convenience store, drive-thru restaurant entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material.
- B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay.
- C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials.

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties.

F. Building setbacks shall be a minimum of 25 feet along the north, 50 feet along the west and southwest property lines and 35 feet along the arterial frontages.

G. Maximum building height is limited to 35 feet.

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade.

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the "LC" zoning district. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted.

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. One full movement driveway located in the northern half of the Rock Road frontage and one right-in/right-out drive with a raised median drive (up to the full movement drive) in the southern segment of the Rock Road frontage are permitted.

N. Prior to the issuance of building permits, the property owner shall dedicate two additional feet of utility easement along the north, west and southwest property line.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area can be viewed as the southeast corner of a larger neighborhood that continues to be an economically stable and very desirable residential area, or it can be viewed as the northwest corner of the Rock Road-Douglas Avenue intersection that is one of Wichita's more economically significant intersections. Towne East Mall, located to the south of the application area that is permitted over 1 million square feet of gross floor area of retail shopping, is a regionally significant mall generating sizable vehicle trips per day. The Rock Road-East Douglas Avenue intersection carries 11,000 to 28,000 average daily vehicle trips. The southeast corner is developed with a convenience store. Farther south of the convenience store are additional retail uses such as fast food restaurants, a car wash, office and retail uses. The northeast corner of the intersection contains additional retail, office and residential uses. Rock Road frontage is highly desirable.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned B Multi-family, which permits a wide range of residential uses—single-family through multi-family—and a few nonresidential uses such as medical offices and facilities. The

site is currently developed with an apartment complex built shortly after 1968. As currently zoned and developed, the site has economic value, but probably not as much as if the site were rezoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit the development of retail and other commercial uses on property that abuts the rear of predominantly single-family lots. Commercial uses generally have higher traffic volumes, noise, lighting and debris than residential uses. However, the development standards contained in the proposed protective overlay and other code required development standards should minimize anticipated impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would add to the amount of commercial zoning located along Rock Road. Denial would presumably represent a loss of economic opportunity to the applicant or the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a larger urban municipality. The range of housing types includes single detached homes, semi-detached, duplexes, apartments, condominiums and special residential accommodations for the elderly. The comprehensive plan’s commercial locational guidelines indicate that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Commercial uses should be located in compact clusters or nodes versus extended strip developments, and should not feed directly onto local residential streets.
6. Impact of the proposed development on community facilities: The request for two additional feet of utility easement will bring the existing easement up to current standards. The request for access control for one right-in/right-out access point to Rock Road addresses traffic concerns on Rock Road.

DALE MILLER, Planning Staff presented the Staff Report.

MILLER said there were several points of contention regarding recommendations in the Staff Report including: Item A. permitted uses. He said staff is recommending that convenience stores and drive-thru restaurants not be allowed; Item F. the applicant is asking for a 15-foot building setback along the north side of the property instead of the 25-foot compatibility setback required by the UZC; however, he said the applicant is offering a larger than required setback along the west side of the property of 50-feet where as the UZC only requires 25-feet; he said the applicant is also offering a masonry wall along the west side of the property where the UZC requires a 6-foot wooden fence; Item I. he referred to language corrections “any electronic message boards ~~should~~ *shall* be restricted to Rock Road and ~~should~~ *shall* be mounted no higher than 15-feet;” Item K. since no convenience stores or drive-thru restaurants are

recommended there would be no need for outdoor speakers or sound amplification features; Item N. he said staff is still trying to sort out the 8-foot utility easement along the west and north property lines. He said the Department of Public Works is asking for two additional feet; however, the actual line may or may not be located within the easement. He requested that if the Planning Commission approves the application, that staff be given the leniency to work with Public Works and the applicant to develop the appropriate language to obtain the additional right-of-way if it makes sense to do that.

MILLER reported that 8-9 people spoke at the DAB II meeting regarding concerns that they are already getting trash from Towne East and smells from restaurants in the area and they don't want any more of that and if a convenience store is allowed to have fuel pumps they are concerned about leaking gas tanks. He said one of the speakers indicated that the Rockwood Neighborhood Association was meeting on January 20th, so the DAB decided to defer taking action until the February DAB meeting to allow the neighborhood association to meet. He said staff will take the item back to the DAB in February, but the Planning Commission is free to reach a decision today.

WARREN asked about the masonry wall.

MILLER indicated currently there was a wooden fence and the applicant will have to stay out of the utility easement on the west and on the north sides of the site when they install the masonry wall.

DENNIS asked if staff was in agreement with the setbacks requested by the applicant.

MILLER said staff is okay with the request except for the one on the north where the applicant would like 15 feet instead of the UZC requirement of 25 feet.

RUSS EWY, BAUGHMAN COMPANY, PA, 315 ELLIS, AGENT FOR APPLICANT said he felt the DAB meeting was productive although it did not come to a resolution. He said he felt the general mood of the DAB was in favor of the zone change. He said the same points of contention reiterated today by Mr. Miller were the main talking points at the meeting. He commented that one couple who lives east of the site spoke in opposition to restaurants of any kind. He said another resident who lives northwest of the site also mentioned not enjoying the smells of the Dillons and Krispy Kreme as well as other stores in the area. He said that speaker also brought up the issue of gas storage if there was a convenience store on the site. He said the applicant has made a number of attempts to reach out to adjoining property owners and the homeowners association. He said he inadvertently posted the development application sign twice on the property so signs have been posted since December 6th. He said he has received several phone calls all dealing with what is going to happen to residents of the apartment complex. He said he has received no feedback from surrounding property owners. He did mention that he received a phone call from the property owner to the north, the one most affected by the requested 15-foot setback, and they are in support of the requested zone change.

EWY said the applicant feels a 15-foot setback is reasonable. He said the 25-foot setback comes from the compatibility setback in the UZC not the base zoning district setback. He said they are asking the Commission to consider the 15-foot setback since they will be providing an 8-foot masonry wall. He said they would also like the Commission to strongly consider allowing fast food restaurants and convenience stores as permitted uses.

B. JOHNSON asked for clarification of the 25-foot setback and if that could be adjusted administratively.

MILLER explained that if the Commission requires the 25-foot setback, theoretically the applicant could ask for an administrative adjustment. He said technically once the zoning is finalized, the applicant can request an adjustment.

MILLER STEVENS asked for clarification on the no drive-thru provision and asked if that was any drive-thru or just specifically restaurants.

MILLER said staff was specifically referring to restaurants, but added they would be okay with a drive-thru bank because staff doesn't get the same kind of complaints from surrounding neighbors.

MCKAY mentioned the 25-foot setback to the north and asked if it was for utilities or to shield the neighbors and if there was any room for negotiations on that.

MILLER said the 25 feet comes from the compatibility setback in the UZC. He added that anything between 15 and 25 feet could work.

DENNIS asked staff how much room was needed for the right-of-way and the setback.

MILLER mentioned an 8-foot utility easement and added that the applicant was requesting 15 feet, which was an additional 7 feet. He reiterated that the UZC says 25 feet.

DENNIS asked if 20 feet would take care of the right-of-way and setback.

MILLER indicated yes.

MCKAY clarified that the easement was on both sides of the property line.

MILLER indicated no, the easement was only on the south side of the property line. He said there may be a platted setback that is a different plat.

B. JOHNSON mentioned the possibility that the utilities may not be within the 8-foot easement.

MILLER indicated that according to the aerial graphic very little of the utilities appear to be in there.

B. JOHNSON asked what utilities are in the easement.

EWY commented that he used the Wichita-Sedgwick County GIS system as a tool to generate the graphic. He provided a hand out of the graphic for review by the Commission. He mentioned that the sanitary sewer line appears to be at weird angles. He said he believes the existing sanitary sewer lines were covered by separate instruments. He said the applicant has a simple platted 8-foot easement to the northwest and southwest. He said the requested 15-foot setback will not encumber the use of the easement. He said the applicant would be willing to work with staff and City Engineering to dedicate

additional right-of-way in the northwest corner and elbow by separate instrument. He mentioned that they would also be dedicating access control by separate instrument and guaranteeing a raised median to help with traffic along Rock Road.

MOTION: To approve subject to staff recommendation with the exception to allow a 20-foot easement on the north of the site; to allow convenience stores; to allow outdoor speakers and drive-thrus for banks only (no restaurants); and that staff work with the applicant and Public Works on the easement.

WARREN moved, **DENNIS** seconded the motion, and it carried (9-0).

NON-PUBLIC HEARING ITEMS

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 1:58 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2015.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)